

**NOTE: These minutes are in draft form and are subject to editing prior to final approval by the Virginia Soil and Water Conservation Board on May 16, 2002**

**DRAFT MINUTES  
VIRGINIA SOIL AND WATER CONSERVATION BOARD**

Thursday, March 21, 2002  
Natural Resources Conservation Service  
1606 Santa Rosa Road  
Richmond, Virginia

**Virginia Soil and Water Conservation Board Members Present**

Charles E. Horn, Chairman	Leon E. App
A Dewey Bond	M. Denise Doetzer
Herbert L. Dunford	James R. Gardner (for David Barrett)
W.P. Johnson	Granville M. Maitland
David L. Moyer	John V. Perumpral (for Kriton Hatzios)
Roy Seward (for J. Carlton Courter)	

**Virginia Soil and Water Conservation Board Members Not Present**

Robert M. Hall	Lorenza W. Lyons
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**Staff Present**

William G. Browning, DCR	Michael R. Fletcher, DCR
Jack E. Frye, DCR	Larry Gavan, DCR
Jon Phillippe, DCR	Stuart Wilson, DCR

**Others Present**

Daphne W. Jamison, VASWCD

**Call to Order**

Chairman Horn called the meeting to order at 9:00 a.m. and declared a quorum present. He asked Mr. App to make an announcement.

Mr. App announced that Joseph H. Maroon, former Executive Director of the Chesapeake Bay Foundation had been appointed by Governor Warner to be the Director of the Department of Conservation and Recreation. Mr. Maroon was to be sworn into office at 3:00 p.m. on Thursday, March 21, 2002 and to begin work on Monday, March 25, 2002.

## **Minutes of the January 17, 2002 Meeting**

- MOTION: Mr. Moyer moved that the minutes of the January 17, 2002 meeting be approved as submitted.
- SECOND: Mr. Dunford.
- DISCUSSION: None.
- VOTE: Motion carried unanimously.

## **Lake Martin Update**

Mr. Stuart Wilson noted that the county has refiled the lawsuit against Airston developers. In a letter to Leon App, the county indicated that it would prefer not to have further public discussion of the case while it is in active litigation, and further that the county intends to pursue this matter until such time as it is fully resolved.

The Environmental Protection Agency (EPA) has an administrative order filed against Airston, and has required the developer to submit a dredging plan and estimated amount of sediment for removal.

The County and the EPA legal counsel have met.

- MOTION: Mr. Dunford moved that the Virginia Soil and Water Conservation Board receive the update of activities from DCR staff and the letter report from Fairfax County outlining the re-filing of the County's lawsuit against the major developer, and that the Board further request the County to continue its efforts to expedite resolution to facilitate remediation of the Lake Martin watershed. The Board also requests that DCR staff continue to communicate with EPA relative to EPA's administrative order and to re-affirm to the EPA the Board's interests in an expedited resolution of this matter.

Further, Mr. Dunford moved that the Virginia Soil and Water Conservation Board direct Fairfax County to continue to provide updates to the Board relative to the progress in completing the final design and construction specification documents, the proposed plans and schedule for commencement of restoration actions and the actual progress in restoration. The County should insure that affected homeowners are provided input into the process of determining the final remediation plans. These updates shall continue until restoration actions have been completed.

- SECOND: Dr. Gardner

DISCUSSION: None

VOTE : Motion carried unanimously

### **Expansion of Web-based Training and Certification and Advanced Plan Reviewer Course**

Mr. Gavan gave an overview of the current status of the program and presented two motions for Board consideration.

MOTION: Mr. Dunford moved that the Virginia Soil and Water Conservation Board approve the expansion of the web-based training, certification and recertification program approach to the Inspector, Plan Reviewer, Administrator and Combined Administrator Certificates of Competence.

He further moved that the Board approve the DCR's creation of an Advanced Plan Reviewer Course to meet the requirements of the Plan Reviewer Certificate of Competence.

SECOND: Mr. Maitland.

DISCUSSION: Mr. Bond asked how it was possible to verify that applicants were not cheating on the web based test.

Mr. Gavan noted that the system requires a certain amount of trust already. Applicants sign an affidavit and give their certification and Social Security number. In the event of specific accusations, DCR will pursue.

VOTE: Motion carried unanimously.

### **Local Urban Program Review Status**

Mr. Gavan noted that seventeen program reviews have been completed since the program was reinitiated. Most recently completed were Loudoun County and Suffolk. Corrective action plans are due from both.

Mr. Gavan noted that none of the programs thus far have been totally consistent. A couple of locations have been problematic, but staff are working with localities to coordinate and provide solutions.

Mr. Moyer asked how the issue of inconsistency was being addressed with the localities.

Mr. Gavan said that many local programs are in the actual process of becoming consistent. Some are preparing requests to come to the Board for approval of an alternative inspection program. Watershed offices are meeting with program administrators in the localities.

He noted that some of the issues involved outdated ordinances and that model ordinances are now provided on the Internet.

**Revisions to the VSWCB Policy on “Financial Assistance for Soil and Water Conservation Districts” amended March 15, 2001**

Mr. Browning referred members to the Financial Assistance for Soil and Water Conservation Districts policy in their packets. He said that, at this time, staff was not recommending Board action.

Chairman Horn asked if there was a need to amend the policy due to budget shortfalls.

Mr. Browning noted that budget reductions are addressed under item VIII(1). He also noted that at this point, the budget has not been finalized.

Mr. App noted that the existing policy would mandate that any reductions be shared equally with the forty-seven districts.

Mr. Frye explained that, based on the anticipated reduction of one percent, an equal amount from each District would be \$935.00 while a percentage amount, based on the total each District receives would range from \$800.00 to \$1,000.00.

Ms. Jamison noted that the Association of Soil and Water Conservation District Directors was recommending the equal reduction of \$935.00 per District. However, she also noted that the Association would request that future reductions be equitable on a percentage basis.

Mr. App noted that a change in the policy would require changing the grant agreements and deliverables that have been in effect since the beginning of July, 2001.

MOTION: Mr. Moyer moved that the discussion of funding reductions be tabled until the May 16, 2002 meeting allowing time for DCR and Association staff to work together to develop recommendations.

SECOND: Bond

DISCUSSION: None.

VOTE: Motion carries unanimously.

Mr. Browning discussed Attachment A of the Financial Assistance for Soil and Water Conservation Districts Policy. He noted that the proposed working to allow for Districts to offer up to 2.5% financial bonus or up to 10 days paid leave was in keeping with state human resources hiring policies.

Mr. Frye asked what action was needed to allow DCR to issue payments to Districts.

Mr. Browning explained that currently there was no way to administer the one percent reduction.

MOTION: Mr. Moyer moved to rescind the previous motion tabling the discussion of financial policy.

SECOND: Mr. Dunford.

DISCUSSION: None.

VOTE: Motion carried unanimously.

MOTION: Mr. Bond moved that the Virginia Soil and Water Conservation Board policy on “Financial Assistance for Soil and Water Conservation Districts” be continued for the remainder of the current fiscal year.  
(Copy Attached as Attachment #1)

SECOND: Mr. Dunford.

DISCUSSION: None.

VOTE: Motion carried unanimously.

MOTION: Mr. Moyer moved that DCR staff and Association staff work out recommendations for future years funding and come back with recommendations at the next Board Meeting.

SECOND: Mr. Johnson

DISCUSSION: None

VOTE: Motion carries unanimously.

Mr. Browning presented a draft DCR/SWCD Grant Agreement for Board review. He noted that the deliverables covered what the Board has said should be in the grant agreement for each fiscal year. He noted staff suggested changes.

Mr. Moyer stated a concern regarding a sentence that read “Completion of a written plan for each employee that captures needed training and development objectives during the work performance period is encouraged.”

MOTION: Mr. Maitland moved that the document be approved as submitted with the exception of deleting the sentence (last paragraph, first page) beginning with “Completion of a written plan...” and with the insertion of the word “year” into the following statement, “Recognizing this planning process is in a state of transition this fiscal year, accommodation will be provided to districts with plans expiring this fiscal year as they conduct planning activities.”

SECOND: Mr. Moyer.

DISCUSSION: None

VOTE: Motion carried unanimously.

**Date to File Nominating Petitions for November 2002 District Elections – Big Sandy and Lonesome Pine SWCDs**

Mr. Browning informed members that the Board needed to take action to establish the filing date for the 2002 District Director elections in the Big Sandy and Lonesome Pine Districts.

MOTION: Mr. Dunford moved that in accordance with state law (§10.1-523.D. and §24.2-503 of the *Code of Virginia* the Board establish June 11, 2002, 7:00 p.m. as the deadline for acceptance of the required statements by candidates seeking to qualify for the office of Soil and Water Conservation District Director and appear on the November 2002 ballot.

SECOND: Dr. Gardner.

DISCUSSION: None.

VOTE: Motion carried unanimously.

**Dam Safety Certificates and Permits**

Mr. Phillippe stated that the southwestern part of the state has recently witnessed the power of water. He noted that, at this point, the dams have held, even those subjected to storms that would equal the “100 year flood level.”

Mr. Phillippe presented the following list of Dam Safety Certificates and Permits:

<b>INV.NO.</b>	<b>NAME</b>	<b>CITY/COUNTY</b>
<b><u>Dam Safety Alteration Permit</u></b>		
01923	Gordonsville Dam (So. Anna Dam #2)	Louisa
16103	Orchard Dam	Roanoke County
<b><u>Dam Safety Construction Permit</u></b>		
08546	Mtn. Run Golf Community/Upper Pond	Hanover
<b><u>Dam Safety Operation &amp; Maintenance Certificates</u></b>		
<b><u>Class I Regular</u></b>		
04129	Woodland Pond	Chesterfield
<b><u>Class II Regular</u></b>		
00375	Lickinghole Creek	Albemarle
01703	Bath Alum Farm Dam	Bath
01927	Falwell Dam	Bedford
16307	Cold Sulpher Springs Dam	Rockbridge
<b><u>Class III Regular</u></b>		
04117	Tates Dam	Chesterfield
07101	Glen Lyn Flyash Dam	Giles
07102	Glen Lyn Bottom Ash Dam	Giles
14515	Moyer Pond Dam	Powhatan
16702	Clinch River Fly Ash Dam #2	Russell
16703	Clinch River Fly Ash Dam #1	Russell
<b><u>Class III Conditional</u></b>		
None		
<b><u>Extension to May 2002 Board Meeting</u></b>		
01501 (1C)	South River Dam #26 (Inch Branch)	Augusta
01502 (1C)	South River Dam #25 (Toms Branch)	Augusta
01508 (1C)	South River Dam #23 (Robinson Hollow)	Augusta
01509 (1C)	South River Dam #6 (Stone Creek)	Augusta
00349 (3R)	Loftlands Dam	Albemarle
06107 (3C)	Thompson Dam	Fauquier

06905 (1R)	Cove Lake Dam #1	Frederick
06911 (1R)	Cove Lake Dam #2 (Lake Leckszas)	Frederick
07501 (3R)	Picketts Creek Dam	Goochland
08542 (3R)	Hartford Lake Dam	Hanover
09519 (2R)	Rennicks Pond	James City
14111 (2C)	Davis Dam	Patrick
15320 (2R)	Possum Point Ash Dam #D	Prince William
15321 (3R)	Possum Point Ash Dam #E	Prince William
16304 (1C)	Moore's Creek Dam	Rockbridge

**Extension to July 2002 Board Meeting**

00352 (1R)	Mink Creek Dam	Albemarle
01906 (2C)	Springhill Lake Dam	Bedford
14739 (3R)	Bush River Dam #5	Prince Edward

**Out of Compliance**

None – But the following have special concerns:

08513 (3C)	Timberlake Dam #1	Hanover
08514 (3C)	Timberlake Dam #2	Hanover
78001 (1R)	Powell Dam	South Boston

Mr. Moyer noted that he would need to abstain from voting regarding the Moyer Pond Dam. Mr. Horn noted he would need to abstain from voting regarding the South River Dams.

MOTION: Mr. Dunford moved that the list of Dam Safety Certificates and Permits be accepted as submitted with the exception of Moyer Pond Dam (#14515) and the four South River Dams (#s 01501, 01502, 01508, 01509).

SECOND: Mr. App

DISCUSSION: None.

VOTE: Motion carried unanimously.

MOTION: Mr. Dunford moved that at Class III Regular certificate be given to Moyer Pond Dam (#14515) and that action regarding the four South River Dams (#s 01501, 01502, 01508, 01509) be extended until May 16, 2002.

SECOND: Dr. Gardner.

DISCUSSION: None.

VOTE: Motion carried with Mr. Moyer and Mr. Horn abstaining.

**District Director Resignations and Appointments**

Mr. Browning presented the following information regarding Soil and Water Conservation District elections. Legislation approved by the General Assembly and awaiting the Governor’s signature will convert all District Director elections to a four year cycle as follows:

**District Directors Elected in November, 1999 Elections:**

The term of office of any district director elected in November 1999 shall be extended to January 1, 2004.

**District Directors Elected in November, 2000 Elections:**

The term of office of any district director elected in November 2000 shall be extended to January 1, 2004.

**District Directors Elected in November, 2001 Elections:**

The term of office of any district director elected in November 2001 or 2002 shall be extended to expire on January 1, 2008.

**Districts with Director Elections In 2002:**

Big Sandy, Lonesome Pine

The term of office of any district director elected in November 2002 shall be extended to expire on January 1, 2008.

**Districts with Director Elections in 2003:**

Big Walker	Blue Ridge	Clinch Valley	Culpeper
Daniel Boone	Eastern Shore	Evergreen	Halifax
Hanover-Caroline	Headwaters	Henricopolis	Holston River
J.R. Horsley	James River	John Marshall	Lake Country
Monacan	Mountain Castles	Natural Bridge	New River
Northern Neck	Northern Virginia	Patrick	Peanut
Peaks of Otter	Peter Francisco	Piedmont	Pittsylvania
Robert E. Lee	Shenandoah Valley	Skyline	Southside
Tazewell	Thomas Jefferson	Tidewater	Virginia Dare

**No District Director Elections will be held in 2004, 2005 or 2006**

**Districts with Director Election in 2007:**

Every SWCD director position elected by the public will be placed on the November 2007 ballot, and every 4 years thereafter.

## **APPOINTED SWCD DIRECTORS**

- ~~///~~ Any appointment made by the Board after July 1, 2002 and prior to January 1, 2005, to an at-large position held by a Virginia Cooperative Extension (VCE) agent shall be made to expire January 1, 2005.
- ~~///~~ Any appointment made by the Board after July 1, 2002, and prior to January 1, 2007, to the other at-large position (non-VCE agent) shall be made to expire January 1, 2007.
- ~~///~~ Appointments made by the Virginia Soil and Water Conservation Board to the at-large position held by a VCE agent shall be made to commence January 1, 2005, and each fourth year thereafter.
- ~~///~~ Appointments made by the Board to the other at-large positions (non-VCE agent) shall be made to commence January 1, 2007 and each fourth year thereafter.

Mr. Browning presented the following list of Soil and Water Conservation District Director Resignations and Appointments.

### *Lonesome Pine*

Recommendation of William Bradley Mullins, Dickenson County, to fill unexpired Extension Agent term of Lowell Fowler (term of office to begin on or before 4/20/02 – 1/1/05).

### *Lord Fairfax*

Recommendation of James Durand Lawrence, Jr., City of Winchester, to fill elected position left vacant by Matthew K. Medeiros; failure to file oath of office (term of office to begin on or before 4/20/02 – 1/1/07).

### *Mountain*

Recommendation of L. Ryan Hodges, Bath County, to fill vacant elected position (term of office to begin on or before 4/20/02 – 1/1/07) (*previously disqualified due to failure to file oath*).

### *Mountain Castles*

Resignation of Charles L. Barnes, Craig County, effective 11/10/01, elected director position (term of office expires 1/1/04).

Recommendations of Ralph M. Bradley, Craig County, to fill unexpired elected term of Charles L. Barnes (term of office to begin on or before 4/20/02 – 1/1/07).

### *Pittsylvania*

Resignation of Marvin E. Collie, Pittsylvania County, effective 1/22/02, elected director position (term of office expires 1/1/04).

Recommendation of Bobby L. Wilkerson, Pittsylvania County, to fill unexpired elected term of Marvin E. Collie (term of office to begin on or before 4/20/02 – 1/1/07).

*Tri-County/City*

Recommendation of Lewis A. Ashton, III, King George County, to fill vacant elected position (term of office to begin on or before 4/20/02 – 1/1/07).

MOTION: Mr. Maitland moved that the Virginia Soil and Water Conservation Board approve the resignations and appointment actions as presented by DCR staff and upon HB 49 & SB 114 becoming law, that the Board direct staff to communicate the Board actions to the affected Soil and Water Conservation Districts. Further, should legislative changes contained in HB 49 & SB 114 fail to become law and leave the existing *Code of Virginia* section unchanged, the Board directs staff to act according to current statutes.

SECOND: Mr. Johnson

DISCUSSION: None

VOTE: Motion carried unanimously.

**Agency Reports**

*Natural Resources Conservation Service*

Ms. Doetzer presented the following report:

I. Benefits of Farm Bill Programs in Virginia

- A. Since 1997 NRCS has obligated
  - \$14.3 million in EQIP
  - \$ 1,244,000 in WHIP
  - \$ 2.4 million in FIP
  - \$ 500,000 for FFP

- B. CPR acres 53,518 acres as of 1/15/2002. Having this program made it possible to bring in \$68 million for the CREP program to match state funds.

To date, we have 10,847 acres under approved CREP contracts.

## II. What the New Farm Bill Means to Virginia

### A. Increased emphasis on conservation on private working lands.

- “Unprecedented attention to conservation” (Glickman)

- “Conservation programs run by USDA are the single most far-reaching environmental protection programs of the federal government’s – and probably the most effective. They dwarf EPA’s work in terms of dollars invested and amount of land affected.” (Glickman)

- “Will be the most environmental friendly farm bill in history and will continue historically high levels of support programs.” (Glickman)

### B. Increased dollars for Virginia

- Both Senate and House versions contain huge increases for programs like EQIP, WHIP, and FPP. It raises acreage caps for CPR and WRP.

- For example Senate bill would increase EQIP spending from \$175 million to \$1.5 billion in FY 2006 – that’s a tenfold increase. This year Virginia has \$2.4 million in EQIP

- Similar increases for other programs. WHIP could increase from a quarter of a million dollars to a million dollars for Virginia in 2002.

### C. Greater opportunities for land users

- In the past only able to fund 10-12 percent of all EQIP applications; may be able to fund majority of applications under new Farm Bill.

## III. How We Are Getting Ready for the New Farm Bill

### A. State Technical Committee

- Meeting monthly to address new Farm Bill issues.

- Have expanded existing working committees to include more agencies and groups. These committees are:

- 1) EQIP
- 2) WHIP

- 3) FPP
- 4) FOTG

- Local working committees will be subcommittees under the State Technical Committee – local input is critical.
- The staff is updating FOTGs by June 2002
  - The State Technical Committee reviews and recommends to State Conservationist for approval.
  - Most Sections are approved in state. Section 4 – the technical section (with standards and specifications for practices) is already done. It must also go to the Federal Register for comment before finalizing.
  - After July the FOTG will be put on the web

#### B. Training

- Accelerated training for field staff on Conservation planning, nutrient management and animal waste issues for CNMPs
- Immediate training as soon as Farm Bill passes for employees and partners
- Each month, on in-service session for all employees (SWCDs and NRCS) on Engineering skills, program development and conservation planning skills.

#### C. Developing Strategies to Deal with Impacts.

- Looking at all resources in the state to help deliver programs

#### IV. Conclusion

- Anticipate Farm Bill workload will be all encompassing for next two years
- We need to be ready to change to deal with opportunities as they are presented
- Make sure employees have necessary training to service customers on unprecedented scale.
- Let farmers know about major new opportunities to participate in program like EQIP so they can take advantage

#### Watershed Dams Rehabilitation

- I. An education process for all PL-566 and 534 watershed local sponsors is underway in Virginia this year.
- II. A workshop was held on March 18, 2002, in the Culpepepr Building for sponsors to

learn of both short-term and long-term opportunities for this program and how it works.

- III. We have just received additional funding to accelerate planning for the potential rehabilitation alternatives for Marrowbone Dam in Henry County. An intense effort will be underway for the next year working with DCR, the Blue Ridge SWCD, Henry County and a host of others to complete this plan and move toward an implementation stage seeking appropriate funding of the plan.

*Virginia Department of Forestry*

Mr. Foreman presented the following report:

- ~~///~~ The Shenandoah-Potomac Watershed project has several major efforts underway at this time. Project work is being done on the Black's Run Greenway in Harrisonburg, Winchester's Green Circle Project, the Luray Greenway, and the completion of a rain garden at the Virginia Mennonite Retirement Center. CREP continues to be a major effort of the Project Team.
- ~~///~~ The Department is a sponsor for this year's Environment Virginia Conference at VMI. State Forester Jim Garner will be moderating a session on land base conservation on the morning of April 11.
- ~~///~~ The Department is also assisting DCR with its annual watershed conference in September. State agencies and the Canaan Valley Institute will spearhead a pre-conference workshop on stream restoration. This portion of the conference will feature a state agency panel, case study reports and a session on assisting local government.
- ~~///~~ The Chesapeake Bay Program, Forestry Workgroup, will put out a Request for Proposal (RFP) for project work associated with riparian and land conservation initiatives. The workgroup has about \$250,000 to spend in this program. American Forests is assisting with this RFP process. Soil and Water Board agencies should receive this RFP in the mail soon.
- ~~///~~ The Virginia United Land Trust (VaULT) is continuing their work to develop a conservation plan for Virginia. Both DCR and Forestry are assisting with this effort. The Blue Ridge Foothills Conservancy is the group writing this plan. Funding for this project came from the US Forest Service. Project completion is anticipated at the end of the summer.
- ~~///~~ Please note the riparian restoration mileage summary (below). In terms of the Chesapeake Bay goal, we are slightly over 50% not counting this spring's planting. We should make significant headway by next year and close on the goal quickly.

<b>Annual Virginia Riparian Buffer Implementation (Miles)</b>			
<b>Year</b>	<b>Chesapeake Bay Watershed</b>	<b>Southern Rivers Watershed</b>	<b>Statewide</b>
1996	1.9	0.6	2.6
1997	15.7	0.3	15.9
1998	54.3	2.6	56.9
1999	63.5	18.7	82.1
2000	74.5	61.7	136.2
2001	102.5	52.8	155.3
<b>Total</b>	<b>312.2</b>	<b>136.7</b>	<b>448.9</b>

*Virginia Cooperative Extension Service*

Dr. Gardner noted that the state is having a lot of problems with rainfall in Southwest Virginia. He noted

that once again the state is operating at the extremes of the water problem with much of the state under drought conditions, but with parts of the state also experiencing severe flooding.

At this time the Cooperative Extension service has a hiring freeze on new positions. They are filling only support positions.

VCE has submitted a grant request to the USDA to address homeland security education.

*Virginia Department of Agriculture and Consumer Services*

Mr. Seward noted that this is Virginia Natural Agriculture Week. Governor Warner has been actively promoting the week.

The Governor still supports the idea of a State Secretary of Agriculture and Policy.

VDACS has worked with the Governor regarding the declaration of disaster areas. These declarations help make farmers eligible for loans.

VDACS continues to assess the impact of the drought. In 1999 Virginia joined with other states and received assistance to deal with the drought. Even with recent rainfall, the water level is not where it needs to be.

Governor Warner is very interested and concerned about the drought situation. He has asked to be kept advised regarding the situation.

*Virginia Department of Conservation and Recreation*

Mr. Frye presented the following report.

**1. Actions of the 2002 Virginia General Assembly:**

The General Assembly has completed the 2002-2004 biennial budget and it will move to the Governor for his approval or modification. Districts are an integral part of Virginia's conservation delivery system.

Unfortunately, DCR's ability to shelter districts from any of the significant budget reductions is insufficient given the reductions required. **The level of reductions necessary will not be confirmed until the General Assembly and the Governor have acted on the budget and agency proposes reductions are approved by the administration.** The General Assembly reconvenes for the Veto Session on April 17, 2002.

DCR will see a reduction of 3% this fiscal year or \$960,571, a reduction of 7% for FY03 starting July 1, 2002 or \$1,828,681 and for FY04 a reduction of an additional 1% or total of 8% equaling \$2,089,921 (budget item 381.1#1c)

To enable DCR to meet this level of reduction, we have proposed reducing SWCD funding: This year, a 1% (not 3%) reduction from operating funds equaling \$49,923; starting July 1 for next fiscal year a 7% reduction equaling \$300,460 and for the year starting July 1, 2003 and 8% reduction equaling \$343,380. These reductions would be apportioned to all 47 districts based on the process established by the Virginia Soil and Water Conservation Board Financial Policy. The policy reduces funding available for the distribution based on nonpoint source pollution control and at these reduction levels continues to fully fund the district essential funding for administrative & technical staff and district director travel. These reductions are similar, though generally less, than the reductions that were necessary during the early years of the Wilder Administration. Districts statewide managed a reduction of 8% to 11%.

*SWCD Tributary Strategy State Support:* Districts within the Chesapeake Bay have shared \$280,000 per year for several years to coordinate and assist in the implementation of the tributary strategies. This amount will be reduced by half for each fiscal year of the upcoming biennium, resulting in \$140,000 being available each year for this activity. (budget item 380#13c)

*CREP Funding:* Governor Gilmore's budget included CPEP funding of \$6,066,000 for the biennium (FY03=\$3,916,000 & FY04=\$2,150,000) and has been supported by the General Assembly budget conferees. No amendments to reduce the funding, as proposed by the House survived the budget conference committee.

*Agricultural BMP Cost-Share Funding* DCR will receive \$2,179,000 for cost-share for FY03, beginning July 1, 2002, appropriated by the General Assembly from accrued interest from the Water Quality Improvement Fund balance of DEQ and DCR. The Secretary of Natural Resources, W. Tayloe Murphy, Jr. approved this use of the funds (budget item 380#4c)

*SWCD Year End Balance Carry Forward Language:* Language was restored that reappropriates unexpended general fund balances at the end of each state fiscal year so the funds can be carried forward. The language covers FY02, FY03 and FY04 (budget item 380#3c)

## **2. SWCD Operational Funding & District Audits**

~~///~~ To reduce the funding to districts by 1% this fiscal year, DCR will need to make a reduction in each district's final quarterly payment amount. Quarterly payments would normally be sent around the middle of April and we will try to maintain that schedule.

~~///~~ Overall the findings are good with districts generally continuing to do a very good job managing their financial resources.

~~///~~ Auditors recommend four areas for additional district attention:

1. Improvement of Financial Reporting – particularly ensuring financial records of SWCDs agree or reconcile with one another. (for example the Attachment E quarterly report to DCR agrees with and reconciles to a district's general ledger)
2. Segregation of Duties – once again emphasizing the need for sharing financial responsibilities among SWCD directors and staff rather than resting all management responsibilities with a

- single individual (generally that the SWCD Administrative Secretary).
3. Maintaining Personnel Folders – particularly maintaining documentation of salaries, performance evaluations and other critical records that are essential to human resources management.
  4. Timeliness of Bank Deposits and Reconciliation – deposits should occur in a timely manner based on amounts of funds on hand.

Further guidance will be forthcoming to every SWCD through a copy of the auditor's management letter to DCR, and follow-up on a district-by-district basis from CDC's.

### **3. CREP – Conservation Reserve Enhancement Program:**

We have finally received national guidance for the CP-22 practice that resolves the issues over drilled well and related water development and supply. We anticipate amendment 4 approval within two weeks which will provide a 25% bonus incentive for wetlands restoration. Wetlands restoration is not under the current 40% SIP and PIP bonus incentives and we are below our targets for wetlands restoration. Amendment 5 is under review by USDA and will provide for CREP eligibility of TMDL areas in parts of the Southern Rivers watershed currently not CREP eligible. Our promotional radio and print advertising series is almost complete. We are holding our direct mailing campaign and updated brochure until the state budget is final and we know what additional funding is available.

### **4. Building SWCD Capabilities:**

~~///~~ Three (3) orientation programs will be delivered for the benefit of directors new to district boards (as well as veterans that wish to receive a refresher). The programs will be carried out on March 20, (Richmond, NCRS state office conference room), 22 (Culpeper VDOT District Office, auditorium) and 26 (Salem, DOF Region 5 Office).

### **5. Improved Clean Water Farm Awards Program a Big Success**

#### **Recognition event for the 10 Grand Basin Winners of the Clean Water/Bay-Friendly Clean Water Farm Awards Program**

- ~~///~~ Well attended with all 10 winning farms represented.
- ~~///~~ Very strong support with presentation of the awards by Secretary of Natural Resources Tayloe Murphy, Jr. and participation by: Delegate Glen Weatherholtz, Delegate Kirk Cox, Senator Charles Hawkins, VDACS Commissioner Carlton Courter, VSWCB Chair Charles Horn, Don Wells representing VASWCD and Several Soil and Water Conservation District Directors.
- ~~///~~ Delegate Weatherholtz introduced winners on the floor of the House of Delegates and Senator Hawkins recognized winners in House Room 2.
- ~~///~~ DCR greatly appreciates the support and participation by districts across the state.

### **6. DCR Office of Land Conservation**

OFFICE OF LAND CONSERVATION was formally created from existing resources in 2001 to better support the growing needs of land conservation in Virginia. Staff will continue to assist with the Virginia Land Conservation Foundation and the open space planning portions of the Virginia Outdoors

Plan. DCR will also work, as a member of VaULT (Virginia United Land Trust) to strengthen this organization of land conservation interests. It will work in support of public and private land conservation organizations, including SWCDs, on a wide range of activities to include:

- ~~///~~ coordinate Virginia's commitment under the Chesapeake 2000 Agreement to permanently protect from development 20% of the land area in the watershed by 2010.
- ~~///~~ provide a statewide repository and clearinghouse of information on land conservation programs, techniques, partners and grant opportunities
- ~~///~~ facilitate cooperative ventures between land conservation organizations, soil and water conservation districts, government agencies and agricultural producers to preserve the infrastructure needed to sustain a healthy agricultural industry.
- ~~///~~ provide technical assistance on such conservation tools as Open Space and Conservation Easements and Purchase-of-Development Rights programs
- ~~///~~ assist with training and educational events
- ~~///~~ maintain a Conservation Land GID database

The Office of Land Conservation looks forward to forging and strengthening land conservation partnerships with the goal of preserving land and conserving soil and water resources.

## **7. Consulting Engineering Dam Assistance to SWCDs**

Ken Turner has been with DCR since last Fall and is making very good progress in working with SWCDs to eliminate the backlog of dam inspections and certifications.

Since October 1, 2001:

- ~~///~~ Total certifications and re-inspections in calendar year 2001 is 32; of these 14 have been completed
- ~~///~~ Total certification and re-inspections required in calendar year 2002 is 44; of these 8 have been completed

Mr. App noted that the General Assembly session had been particularly difficult specifically with regard to the budget. He noted that DCR has been working to keep parks open and staffed and that DCR appreciates the assistance of the Soil and Water Board and other collegial bodies.

Mr. Bond asked Mr. Frye the amount of money spent for the Watershed Coordinator positions.

Mr. Frye agreed to provide that information to Mr. Bond.

## **Public Comment**

Ms. Jamison provide a copy of the VASWCD newsletter which will be sent to members and subscribers electronically.

**Other Business**

There was no other business

**Next Meeting**

The next meeting of the Virginia Soil and Water Conservation Board will be held Thursday, May 16, 2002 at the Department of Forestry in Charlottesville.

**Adjourn**

There being no further business the meeting was adjourned.

Respectfully submitted,

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Charles E. Horn, Chairman

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Leon E. App, Acting Director

*Adopted May 20, 1999  
Amended by Board Action March 15, 2001*

## ***Virginia Soil & Water Conservation Board (Board) Policy***

### **Title: Financial Assistance for Soil & Water Conservation Districts (districts)**

#### **Purpose:**

To make funding available to support the essential operating costs of every soil and water conservation district (district) as authorized by Title 10.1 of the Code of Virginia.

To provide additional funding to districts that support the Commonwealth's conservation and water quality improvement initiatives.

#### ***I "Essential" Financial Assistance Available to Districts:***

- 1) Definition of Essential Operating Support: The Commonwealth's financial support to districts provides for the essential needs of every district in order to maintain district existence for delivery of state mandates. The components of essential support needs of every district are:
  - a) The business expenses of the district board of directors.
  - b) The existence of an office and support equipment that are necessary to perform the essential functions of the district.
  - c) Administrative and technical capabilities to perform state mandates.
- 2) Every district approved by the Board is eligible to receive an annual grant to support essential operating expenses. Based upon the above components that comprise essential support needs of every district, the Board shall establish a list of reasonable cost estimates for all essential components and incorporate the list as Attachment A to this policy. Authorized funding will normally be rounded to the nearest thousand dollars (excluding the additional district director travel and training allowance). Prior to May 1<sup>st</sup> each year, the Board shall review the attachment and determine if modifications are necessary.

#### ***II Financial Support to Address Water Quality Priorities of the Commonwealth:***

- 1) Districts are eligible to receive additional financial assistance to support water quality improvement goals of the Commonwealth. The Board shall utilize a system for estimating nonpoint (NPS) source pollution contributions to state waters on a district by district basis. Funds that remain after essential support needs of districts have been fulfilled, will be made

available to address NPS pollution problems on a proportional basis.

***III Additional Funding Provisions:***

- 1) The Board may annually dedicate a portion of funding under its control to provide additional funding to all, or specific districts, to ensure equitable and fair distribution of funds and treatment of districts.
- 2) Districts may apply for loans to purchase conservation equipment. Funds may be made available from the revolving fund to purchase machinery and equipment for engineering and other operations. The Board will determine the interest rate and term of repayment which unless otherwise stated, will be 6% with an annual repayment schedule for a loan duration of two years.

***IV Grant Agreements and Accountability:***

- 1) A grant agreement will be established between DCR and each district prior to the beginning of a fiscal year, for operational support funds. DCR staff will define the expected outcomes or “deliverables” for district funding for review and approval by the Board annually, and prior to May 1<sup>st</sup>.
- 2) Deliverables will be based on the Commonwealth’s conservation and water quality priorities and resolved between DCR staff and affected districts.

***V Unexpended State Funds Maintained by Districts:***

- 1) Operational support funds issued to districts that remain unexpended at the close of the grant period will remain in the district account (s).
- 2) Targeted funds will normally be issued through a reimbursement basis. Unexpected funds will revert to DCR and may be applied to a future targeted grant agreement.
- 3) It is inadvisable for any public entity to accumulate more than about six months of undedicated reserve funds. Public funds from local, state and federal sources are provided to districts not for savings, but for performance of conservation. DCR will monitor the growth of unexpended funds through audit reports, and report situations of concern to the Board. The Board may reduce future funding to districts that fail to act upon guidance and recommendations from auditors and DCR staff. Decisions and Board actions will be addressed on a case-by-case basis.

**VI *DCR Support of Districts on behalf of the Board:***

- 1) DCR staff are responsible for developing procedures to include submission and reporting deadlines, and supporting materials that are necessary for implementation of this policy.
- 2) DCR support of districts as authorized by section 10.1-502 through 505., and 10.1-506. through 559. of the Code of Virginia, will include provisions for: 1) liability coverage; 2) audits; 3) bonding for employees and officers that are entrusted with funds; 4) placement of newspaper notices for district director elections; and, 5) statewide training initiatives that enhance skills and capabilities of district directors and staff. DCR will apprise the Board of costs associated with these services for the Board's consideration with the overall financial resources available to districts.

**VII *Noncompliance with this policy:***

In the event any district fails to comply with provisions of this policy, the Board reserves the right to instruct DCR staff to delay, or permanently withhold funding that otherwise would be made available to the affected district(s). The Board further reserves the right to require repayment of previously issued funds and/or direct further appropriate actions based upon noncompliance circumstances. Should an issue arise which impacts funding, the affected district(s) will be apprised of the issue(s) and provided an opportunity to address the concerns of the Board prior to Board action.

**VIII *Criteria for Financial Assistance:***

- 1) Funding granted to districts is contingent upon appropriations by the General Assembly. In the event districts experience a statewide reduction in funding from the Commonwealth, the Board will generally address the shortfall as follows (but reserves the right to deviate from these options):
  - a) When a reduction of funds occurs during the course of a fiscal year, every district will receive an equal percent reduction which will be calculated and deducted from each district's total approved operational funding specified within the DCR/SWCD grant agreement for the applicable fiscal year.
  - b) When a reduction of funds is necessary prior to the start of a fiscal year, the Board will strive to fulfill the Essential Operating Support (see item *I* of this Policy) to the maximum extent possible. Any remaining funds once the essential support is fully satisfied will be dedicated to SWCD director travel and training. Should funds remain once these items have been fully satisfied, the Board will follow item *II Financial Support to Address Water Quality Priorities of the Commonwealth* (of this Policy) to distribute a proportional share of the remaining balance of district funding to every SWCD.

- 2) In the event a new district is formed or an existing district expands its boundaries, the Board will examine the total financial resources under its control and its priorities for use of these funds. The newly created or expanded district may be funded at a reduced level, or may be required to share funding in an arrangement determined by the Board until sufficient funding is made available to fulfill provisions of this policy and priorities of the Board. One intent of this Policy is to encourage districts to speak in a unified voice on SWCD funding requests.
- 3) Expenditure of district funds, regardless of source, will be made without regard to any person's race, color, religion, sex, age, national origin, handicap, or political affiliation.
- 4) All funds received by districts are public funds and provision of the Freedom of Information Act apply to financial records. Each district shall safeguard, provide accountability and expend funds only for approved purposes.

**Essential SWCD Components and Annual Cost Estimates**

Essential Components	Approach	Est. Cost/year
<b>Tech. FTE Salary</b>	Use Commonwealth of Va Pay Scale Grade 9, step 1 (Increases for FY99-00 and FY00-01) <b>This amount is within Pay Band 3 of the Commonwealth of Virginia's Salary Structure system</b>	\$26,369
<b>Tech. FTE Fringe</b>	.25 times salary	\$6,592
<b>Tech. FTE Training, Travel, Support</b>	Training Allowance@ estimated at \$500/year Travel est. by 15,000 miles times 32 cents/mile (\$4,800) Support (misc. field equipment, etc....) \$450/year	\$5,750
<b>Secretary FTE Salary</b>	Use Commonwealth of Va Pay Scale Grade 5, step 1 (Increases for FY99-00 and FY00-01) <b>This amount is within Pay Band 2 of the Commonwealth of Virginia's Salary Structure system</b>	\$18,464
<b>Secretary FTE Fringe</b>	.25 times salary	\$4,616
<b>Secretary FTE Training Travel</b>	Training Allowance@ estimated at \$250/year Travel est. by 3,000 miles times 32 cents/mile (\$960)	\$1,210
<b>Office Rent</b>	Justifiable space@ (using Com. of Va. system) for 2 employees & conf. room --750 square feet. Average estimated cost per square foot per year: \$13/square ft. (includes utilities)	\$9,750
<b>Office Support expenses,</b>	Includes information systems (phones/ Internet \$1,800/year ), postage (\$1,000/year), office supplies (\$500/year), misc. expenses (\$300/year)	\$3,600
<b>Office Equipment replacement</b>	Annual Allowance@ for furniture, copier, fax, computers, and misc. office appurtenances	\$1,500
<b>Total Costs</b>	Amounts represent budgeted calculations for Acore@ expenses	\$77,851
	<b>TOTAL COSTS APPROVED:</b> <i>*From this amount SWCDs may choose to make available a one time, 2.5% financial bonus or grant up to 10 days paid, compensatory leave to district staff in a manner consistent with actions of the Commonwealth for state staff.</i>	\$78,000*

<b><u>PLUS</u></b> <b>District Director</b> <b>Travel/Training</b>	AAverage annual allowance@of <u>\$500 per director</u> for travel expense reimbursement and training allowance.	\$2,500 to \$6,000 per SWCD
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Virginia Soil and Water Conservation Board  
March 21, 2002  
Attachment #2 of 2

DCR/SWCD Grant Agreement No. \_\_\_\_\_

**ATTACHMENT A**

Soil & Water Conservation District (district)  
**FY 2002 – 2003 Performance “Deliverables”**  
**For Acceptance of DCR Funds to Carry Out This Agreement**

- ▼▼ Administer and provide technical assistance with nonpoint source pollution reduction efforts including support and/or implementation of the following:

- The Virginia Agricultural BMP Cost-Share program
- The Virginia Agricultural BMPs Tax Credit Program
- Virginia Water Quality Improvement Act
- Conservation Reserve Enhancement Program
- Voluntary BMP installation by property owners/managers
- TMDL (Total Maximum Daily Load) development processes
- Agricultural Stewardship Act
- BMP Revolving Loan Program
- Small Business Environmental Assistance Fund Loan Program
- For Chesapeake Bay districts: Encourage local development and implementation of Chesapeake Bay 2000 commitments through participation in:
  - ?? Tributary Strategies
  - ?? Small Watershed Management plan development
  - ?? Sound land use planning approaches
  - ?? Environmental Education programs

- ▼▼ Deliver local natural resource conservation programs with consideration to resource needs and issues affecting watersheds within the district, and watersheds that flow beyond the district boundaries.
- ▼▼ Support and foster partnerships with agencies, organizations, councils, roundtables and others to protect soil resources, to improve water quality and further natural resource conservation.
- ▼▼ Hold monthly meetings with a quorum of district board members present.
- ▼▼ Develop and maintain a longer term\* plan that enhances district capabilities, on a 4 year cycle (consistent with the election cycle of district directors) with participation by district stakeholders. Review of the plan is expected at least annually during a scheduled meeting of the district board. Plans should include watershed priorities.
 

\*Recognizing this planning process is in a state of transition this fiscal year, accommodation will be provided to districts with plans expiring this fiscal year as they conduct planning activities.
- ▼▼ Prepare and follow an annual plan of work that connects to the district’s longer term plan.
- ▼▼ Submit meeting minutes from all routine and special meetings of the district board and a copy of district publications (including an annual plan of work, and annual report, the longer term 4 year plan) to the district’s assigned Conservation District Coordinator (CDC).

- ▼▼ Submit quarterly financial reports to request funding drawdowns from DCR to the district's assigned CDC.
- ▼▼ Maintain employee position descriptions, performance expectations and the district personnel policy; conduct timely employee evaluations. Provide the district's assigned CDC with a copy of employee position descriptions and the district personnel policy once updated documents are resolved.
- ▼▼ Provide data as requested by DCR to support nonpoint source pollution reduction initiatives that improve water quality.
- ▼▼ Ensure staff implementing the Virginia Agricultural BMP Cost-Share Program, and other agricultural related programs, seek and maintain needed conservation planning certification and job approval authority for appropriate BMPs within the service area of the district.

*Adopted by the Virginia Soil and Water Conservation Board*

**March 21, 2002**